

Remarks:

Applicants have read and considered the Office Action dated October 1, 2009. Claims 1-27 and 42-55 have been withdrawn. Claims 28-41 are currently pending. Reconsideration is hereby requested.

In the Action, a Restriction Requirement was placed upon the application. The Office Action states that the application contains four groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 1.31. The Groups are:

Group I, claims 1-12, drawn to a population of cells comprising at least two subpopulations of cells each comprising a reporter expression construct;

Group II, claims 13-27, drawn to a device for detecting presence, absence or level of a substance in a sample comprising a substrate configured for supporting a population of cells and detector.

Group III, claims 28-41, drawn to a system for detecting presence, absence or level of a substance in a sample comprising a substrate configured for supporting a population of cells, a detector, and a processing unit for obtaining and processing data; and

Group IV, claims 42-55, drawn to a method of detecting presence, absence or level of a substance in a sample comprising exposing a population of cells to the sample and analyzing expression of reporter expression construct.

The Office Action states that the Groups do not relate to a single general inventive concept because they lack the same or corresponding special technical features.

Applicants hereby elect Group III, claims 28-41, without traverse. The claims that read on Group III are at least claims 28-41. Claims 1-27 and 42-55 have been withdrawn.

Applicants note that a Preliminary Amendment was filed cancelling original claims 1-55 and adding claims 56-74. However, it appears that the Amendment was not entered and/or considered. The Response to the Restriction Requirement is therefore based on claims 1-55.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



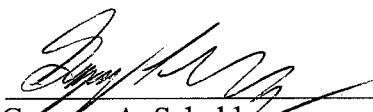
Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

3/26/10

By: _____


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